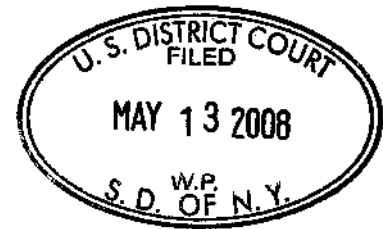


MLL
Breant, J.

Robert Dembia, Esq.
350 Broadway-Suite 1210
New York, New York 10013

[PM 5168]
COHEN, LEDER, MONTALBANO & GROSSMAN, L.L.C.
1700 Galloping Hill Road
Kenilworth, New Jersey, 07033
(908) 298-8800
Attorneys for Plaintiffs



**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS VICINAGE**

LOCAL UNION NO. 825, affiliated
with the INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO,
and THE BOARDS OF TRUSTEES OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 825 PENSION FUND,
THE IUOE LOCAL 825 WELFARE FUND,
THE IUOE LOCAL 825 APPRENTICESHIP
TRAINING AND RETRAINING FUND,
THE IUOE LOCAL 825 SUPPLEMENTAL
UNEMPLOYMENT BENEFIT FUND, THE IUOE
LOCAL 825 SAVINGS FUND and THE IUOE
LOCAL 825 ANNUITY FUND,

Plaintiffs,

vs.

ULTIMATE LAND DEVELOPERS OF THE
HUDSON VALLEY, INC. and ULTIMATE LAND
DEVELOPERS, INC.,

Defendants.

08, 0127 WP

Civil Action No.:cv-01704 (CLB)

08cv. 01704

DEFAULT JUDGMENT

This action was commenced on February 19, 2008 by the filing of the Summons and Complaint and a copy of the Summons and Complaint having been served on the Defendant on March 14, 2008 by personal service on Jamie Wolf, by delivering and leaving copies of these documents with this individual, and a Proof of Service by the Special Process Server having been

filed and the Defendant not having answered the Complaint, and the time for the Defendant to answer the Complaint has expired it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the liquidated amount of \$10,851.62 with interest at 9.25% accruing on amounts coming due from October 29, 2007 through March 31, 2008 and amounting to \$1,216.80, plus costs and fees

associated with prosecuting this action in the amount of \$579.50, amounting in all to ~~\$109,945.94~~ ^{\$109,946.06}.

SEE STATEMENT OF DAMAGES

Date: May ¹²2, 2008

Charles Bryant
U.S.D.J.

This document was entered on the docket
on _____.

Robert Dembia, Esq.
350 Broadway-Suite 1210
New York, New York 10013

[PM 5168]
COHEN, LEDER, MONTALBANO & GROSSMAN, L.L.C.
1700 Galloping Hill Road
Kenilworth, New Jersey, 07033
(908) 298-8800
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS VICINAGE**

LOCAL UNION NO. 825, affiliated
with the INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO,
and THE BOARDS OF TRUSTEES OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 825 PENSION FUND,
THE IUOE LOCAL 825 WELFARE FUND,
THE IUOE LOCAL 825 APPRENTICESHIP
TRAINING AND RETRAINING FUND,
THE IUOE LOCAL 825 SUPPLEMENTAL
UNEMPLOYMENT BENEFIT FUND, THE IUOE
LOCAL 825 SAVINGS FUND and THE IUOE
LOCAL 825 ANNUITY FUND,

Plaintiffs,

vs.

ULTIMATE LAND DEVELOPERS OF THE
HUDSON VALLEY, INC. and ULTIMATE LAND
DEVELOPERS, INC.,

Defendants.

Civil Action No.:cv-01704 (CLB)

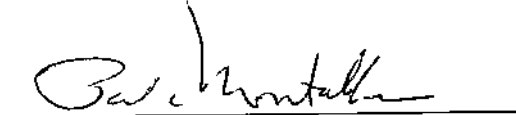
STATEMENT OF DAMAGES

- | | | |
|----|---|------------|
| 1. | Benefit Contributions (11/15/0712/5/07) | |
| A. | Chad Newman | \$4,020.13 |
| B. | Art Newman | \$4,245.52 |
| C. | William Palmer (Estimated) | \$4,100.00 |
| D. | Marcus Duffin (Estimated) | \$4,100.00 |

2.	Benefit Contributions (10/26/07 and 10/27/07)	
A.	Carl Dippel	\$352.45
3.	Benefit Contributions (1/28/08-3/31/07) (Estimated)	
A.	2 Union Members (\$20.80/hr., 40 hrs./wk.)	\$14,976.00
B.	3 Non-Union Members (\$20.80/hr., 40 hrs./wk.)	\$22,464.00
	Total Benefit Contribution Delinquency	\$54,258.10
4.	Interest Accrued on Benefit Contribution Delinquency	
A.	Benefit Contributions (11/15/07-5/2/08)	
	Interest on \$2,195.42 at 9.25% from 11/19/07 to 5/2/08	\$91.99
	Interest on \$5,488.55 at 9.25% from 11/26/07 to 5/2/08	\$218.36
	Interest on \$5,488.55 at 9.25% from 12/3/07 to 5/2/08	\$208.62
	Interest on \$3,299.13 at 9.25% from 12/10/07 to 5/2/08	\$119.58
	B. Benefit Contributions (10/26/07 and 10/27/07)	
	Interest on \$352.45 at 9.25% from 10/29/07 to 5/2/08	\$16.52
	C. Benefit Contributions (1/28/08-3/31/07)	
	Interest on \$4,160.00 at 9.25% from 2/4/08 to 5/2/08	\$91.71
	Interest on \$4,160.00 at 9.25% from 2/11/08 to 5/2/08	\$84.33
	Interest on \$4,160.00 at 9.25% from 2/18/08 to 5/2/08	\$76.95
	Interest on \$4,160.00 at 9.25% from 2/25/08 to 5/2/08	\$69.57
	Interest on \$4,160.00 at 9.25% from 3/3/08 to 5/2/08	\$62.19
	Interest on \$4,160.00 at 9.25% from 3/10/08 to 5/2/08	\$54.82
	Interest on \$4,160.00 at 9.25% from 3/17/08 to 5/2/08	\$47.44
	Interest on \$4,160.00 at 9.25% from 3/24/08 to 5/2/08	\$41.11
	Interest on \$4,160.00 at 9.25% from 3/31/08 to 5/2/08	\$33.73
	Total Amount of Interest Accrued	\$1,216.80
5.	Wages Owed (10/26/07 and 10/27/07)	
A.	Carl Dippel (10/26/07 and 10/27/07)	\$628.32
6.	Lost Wages (1/28/08-3/31/07) (Estimate)	
A.	3 Non-Union Laborers (\$39.27/hr., 40 hrs./wk.)	\$42,411.60
	Total Amount of Wages Claimed	\$43,039.92
8.	Liquidated Damages (20% of \$54,258.10)	\$10,851.62
9.	Process Server fee for service	\$35.00

10. Attorney's Fees (3.3 hrs. at \$165.00/hr. \$544.50
~~\$109,945.94~~
Total (as of May 2, 2008. \$109,946.06

Date: May 2, 2008



D.C.*

PAUL A. MONTALBANO

4,020.13 + -
 4,245.52 + -
 4,100.00 + -
 4,100.00 + -
 352.45 + -
 14,976.00 + - **-COPY OF:**
 22,464.00 + -
 91.99 + -
 218.36 + -
 208.62 + -
 119.58 + -
 16.52 + -
 91.71 + -
 84.33 + -
 76.95 + -
 69.57 + -
 62.19 + -
 54.82 + -
 47.44 + -
 41.11 + -
 33.73 + -
 628.32 + -
 42,411.60 + -
 10,851.62 + -
 35.00 + -
 544.50 + -
 109,946.06 *